

REMARKS

Status of the Application

Claims 2-7 are all the claims pending in the Application, as claim 1 is hereby cancelled without prejudice or disclaimer, and claim 7 is added to more fully define the invention. Claims 1-5 have been rejected.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 6 is allowed.

Claim Rejections

The Examiner has rejected claims 1-5 under various combinations of references.

Applicants respectfully submit that the rejections of claim 1 and 4 are now moot. Specifically, independent claim 1 is hereby cancelled without prejudice or disclaimer, and claim 4 has been amended to depend from allowed claim 6.

Additionally, Applicants respectfully submit that the rejections of claims 2, 3 and 5 are improper. Specifically, claims 2, 3 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references, each combination including US 6,354,900 B1 (Ohshima et al.). However, US 6,354,900 B1 was removed as a reference by the July 19, 2002 Amendment¹, and therefore cannot be used as a reference by the Examiner.

Thus, Applicants respectfully request the Examiner to withdraw the current rejections.

¹ By operation of 35 U.S.C. § 103(c), as both US 6,354,900 B1 and the instant Application were commonly owned on the date of invention of the instant Application.

Additionally, Applicants have hereby added new claim 7, which depends from independent claim 3 and recites that the tungsten electrodes “have an average surface roughness of between .3 μm and 3 μm .”

Applicants respectfully submit that claim 7 is allowable, *at least* by virtue of its dependency from claim 3. Further, Applicants respectfully submit that claim 7 is separately patentable, as the Examiner has previously indicated that the specific average surface roughness “of between .3 μm and 3 μm ” is not taught or suggested by the prior art. (See pg. 5 of the February 21, 2003 Office Action).

Conclusion

In view of the foregoing, it is respectfully submitted that claims 2-7 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 2-7.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No.: 09/599,726

Attorney Docket # Q59149

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 is canceled.

The claims are amended as follows:

4. (Amended) The arc tube as claimed in claim 4 6, wherein the average roughness is 2 μm or smaller.

Claim 7 is added.